



## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Jennifer Steingasser, Deputy Director

**DATE:** September 7, 2010

**SUBJECT:** BZA Application 18097, 916 P Street, N.W., Square 366, Lot 813

### **SUMMARY RECOMMENDATION**

The Office of Planning (OP) cannot recommend approval of this application, which requests relief of the following:

- **Area variance to § 403.2 of Title 11 DCMR** to increase the lot occupancy from 60 to 71.2 percent (64.6 percent existing);
- **Area variance to § 404.1 of Title 11 DCMR** to decrease the rear yard from 20 feet to 16 feet (21 feet existing);
- **Area variance to § 406.1 of Title 11 DCMR** to decrease the area of a closed court from 350 square feet to 50 square feet; and
- **Area variance to § 2001.3 of Title 11 DCMR** to permit the enlargement of a nonconforming structure.

OP notes that the existing property is also nonconforming for lot area and lot width.

The Office of Planning is unable to recommend approval of the requested variances because the subject property exhibits no uniqueness. OP does support the updating and modernization of existing residences in the District, and has recommended that the applicant reduce the proposed lot occupancy by 1.2 percent. This would result in a lot occupancy of 70 percent, allowing the proposal to be considered under the less stringent special exception criteria. It is likely that a revised application would meet these criteria and be recommended for approval.

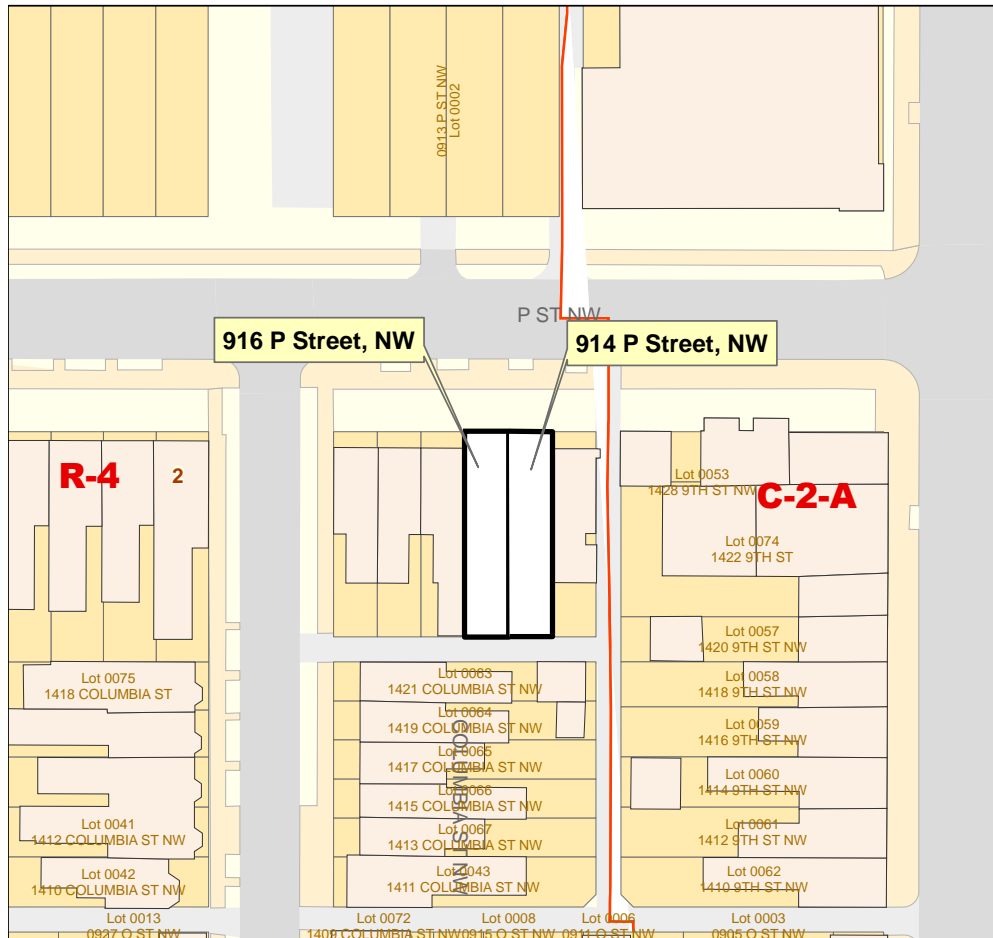
### **AREA AND SITE DESCRIPTION**

Address	916 P Street, N.W.
Legal Description	Square 366, Lot 813
Ward	2
Lot Characteristics	Rectangular lot with alley access.
Existing Development	Two-story row house
Zoning	R-4 – row dwellings, conversions and apartments
Historic District	Shaw
Adjacent Properties	North: Across P Street, surface parking lot for Shiloh Baptist Church East, West & South: Row houses and flats
Surrounding Neighborhood Character	Mixture of residential, commercial and institutional



### APPLICATION IN BRIEF

The applicant proposes to construct building additions onto rear of the existing row house, and convert it into a flat. Flats are permitted as a matter of right within the R-4 district. The building additions would include a rear porch, which would be directly accessible from the kitchen on the main level of the house. A portion of the existing open court would be enclosed to accommodate an expanded kitchen. An existing bedroom on the second floor would be expanded and converted to an office. A stairwell between the basement and first floor would be added within the existing open court, providing access between the proposed first floor rear porch and the second unit within the basement.



Zoning and Vicinity Map

### LOT AND AREA DESCRIPTION

The subject property is a two-story row house constructed in 1900 and located on the south side of P Street, N.W., between 9<sup>th</sup> Street and Columbia Street. All of the lots on the south side of P Street, between the public alley on the east and Columbia Street on the west, are similar in width and area. The row houses that were constructed on them are also similar, although some have been modified over time. All are located within the R-4 district. A separate application, BZA 18098, was filed for the 914 P Street, N.W., the adjacent property to the east for a rear addition.

## ZONING REQUIREMENTS

	Permitted/Required	Existing	Proposed	Relief
Lot Area (min.)	1,800 SF	1,435 SF	1,435 SF	Existing Nonconforming
Lot Width (min.)	18 feet	17.5 feet	17.5 feet	Existing Nonconforming
Lot Occupancy (max.)	60 percent	64.6 percent	71.2 percent	11.2 percent
Building Height (max.)	40 ft/ 3 stories	2 stories	2 stories	Conforming
Closed Court Area (min.)	350 SF	N/A	50 SF	300 SF
Rear Yard (min)	20 feet	16 feet	16 feet	4 feet

### OFFICE OF PLANNING ANALYSIS

Relief from the following sections is required by the subject application.

#### Area Variance to § 403.2 – Lot Occupancy

Section 403.2 sets the maximum lot occupancy within the R-4 district for row houses and flats at 60 percent. The subject application proposes to increase the existing lot occupancy from 64.6 to 71.2 percent.

#### Area Variance to § 404.1 - Rear Yard

Section 404.1 sets the minimum rear yard within the R-4 district at 20 feet. The subject application proposes to reduce the existing rear yard from 21 to 16 feet.

#### An area variance to § 406.1 – Minimum Width of a Closed Court

Section 406.1 sets the minimum width of a closed court within the R-4 district at 350 feet. The subject application proposes to create a 50 square foot closed court.

#### Area Variance to § 2001.3 – Nonconforming Structures Devoted to Conforming Uses

Section 2001.3 provides that additions to nonconforming structures devoted to conforming uses, such as the subject application, not increase any nonconforming aspect of the structure. In this case the application proposes to further increase the nonconforming lot occupancy from 64.6 to 71.2 percent.

#### Uniqueness Resulting in Practical Difficulty

The subject property's shape, size and topography do not exhibit a specific uniqueness as required under part one of the variance test. The property's dimensions are not remarkable. It is 17.5 feet in width, 1,435 square feet in area and rectangular in shape, as are the adjoining lots on either side. It is also relatively level and improved with a row house with alley access, again the same as the adjoining lots. As the subject property exhibits no uniqueness, there can be no practical difficulties resulting out of the uniqueness.

#### Impact on the Integrity of the Zone Plan

The proposal is also contrary to the intent of the Zoning Regulations. The existing dwelling exceeds the allowable lot occupancy at 64.6 percent. The proposal would increase the lot occupancy to 71.2 percent,

in excess of the maximum 60 percent permitted as a matter of right, and the maximum 70 percent permitted by special exception under § 223 of the Zoning Regulations.

If the proposed percentage of lot occupancy were reduced from 71.2 to 70 percent, the maximum permitted pursuant to § 223 of the Zoning Regulations, the variances requested could be considered by the Board as a special exception, including the relief requested to rear yard depth and closed court area, and the expansion of a nonconforming structure. The proposed addition would be to a flat, a conforming use in the R-4. The addition within the existing courtyard and the expansion into the rear yard would not unduly affect light and air or compromise use and enjoyment of neighboring properties as it would not result in any portion of the dwelling extending further into the rear yard than either of the adjoining residences. The building addition would appear as residential as viewed from the public alley. Therefore, if the lot occupancy were to be reduced to no more than 70 percent, the subject application would be in conformance with the provisions of § 223.

#### **COMMUNITY COMMENTS**

**ANC 2F** did not respond to a request for comments from the Office of Planning.

JS/sjm<sup>AICP</sup>

Case Manager: Stephen J. Mordfin, AICP